



State of New York County of Broome Government Offices

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

COVERSHEET

TO: Mr. Timothy Whitesell, Supervisor
Town of Binghamton
279 Park Avenue
Binghamton, New York 13903
Supervisor@townofbinghamton.com

Mr. William E. McGowan, Chair
Planning Board
Town of Binghamton
128 Felters Road
Binghamton, 13903
bmcgowan@atkore.com

Mr. Kurt Schrader, Esq.
Town of Binghamton Attorney
POPE, SCHRADER & POPE, LLP
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Mr. Alan Pope, Esq.
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P. O. Box 510
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Ms. Vicki Conklin, Town Clerk
Town of Binghamton
279 Park Avenue
Binghamton, NY 13903
TownClerk@townofbinghamton.com

FROM: Lora Zier, Senior Planner

DATE: December 19, 2017

NUMBER OF PAGES, INCLUDING COVER PAGE: 8

COMMENTS:



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December 19, 2017

Mr. Timothy Whitesell, Supervisor
Town of Binghamton
279 Park Avenue
Binghamton, New York 13903

Mr. William E. McGowan, Chair
Planning Board
Town of Binghamton
128 Felters Road
Binghamton, 13903

RE: Review Pursuant to Section 239-l and -m of the General Municipal Law

Dear Supervisor Whitesell and Chair McGowan:

The Broome County Department of Planning and Economic Development has received your request for review of the below captioned matter:

Applicant: VHCC, LLC
Project: Site Plan Review and Rezoning: Rezone 214.5-acre former golf course from PDD to R-1 (Single-Family Residential) to include 24.5-acre church parcel and 20 to 25 high-end residential lots with existing road access at 3115 Webb Road
Municipality: Town of Binghamton
Tax Map No: 191.04-1-22
BC Case: 239-2017-157

The Planning Department has reviewed the revised site plan dated December 6, 2017, Declaration of Restrictions, and applicant responses to our preliminary comments of November 28, 2017 for the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project. We have no objections to the proposed rezoning of the project site from PDD to R-1 District. We have the following outstanding comments on the site plan and SWPPP:

- The project site is characterized by steep slopes with 62 percent of the project site sloped 10 percent to 15 percent and 3 percent of the project site sloped 15 percent or greater. For this reason, the Town should exercise caution in approving this project.
- The third restriction listed in the Declaration of Restrictions should be revised to read: "... further, the Property owner shall secure therefor any and all necessary **permits**, reviews and approvals from the Broome County Department of Health and **New York State Department of Environmental Conservation**." Bold text indicates the language that should be added. See enclosed comments from Creig Hebdon of the Broome County Department of Health.
- The SWPPP was not included in the 239 Review submittal. The Town Board and Planning Board should ensure that the full SWPPP and NOI and individual NOIs and stormwater mitigation systems receive the necessary reviews, approvals, permits, maintenance, and inspections.



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- The Town Board and Planning Board should ensure that the conditions outlined in the two letters dated November 27, 2017 from Mark Parker of Keystone Associates are adequately addressed in the SWPPP, site plan, and Declaration of Restrictions, including the condition that the amount of impervious surface to DA-2 must be restricted in order to avoid the need for detention at Lots 1 – 3.
- NWI Wetlands are located onsite and offsite near the project site. The Town should ensure that these wetlands are addressed in the SWPPP, that the overall project and future individual projects would not disturb the wetlands, and that appropriate coordination would occur with the United States Army Corp of Engineers, as necessary. Please refer to the U.S. Army Corps of Engineers guidance contained in the enclosed e-mail to determine whether the ACOE should be informed of the project.
- The maintenance shed structure should be removed or demolished to avoid the potential that the 5.1-acre lot would be sold with the maintenance shed as a free standing structure.
- The Town should ensure that the former VHCC buildings, structures, and swimming pool meet building code requirements and provide sufficient capacity for church use.
- The site plan should include the following:
 - Streams located onsite and offsite
 - Maintenance shed labeled
 - Proposed church building uses, parking lot, lighting, signage, septic system, and water well
 - Existing and proposed utilities
 - Existing and proposed culverts
 - Easements
 - Declaration of Restrictions

The case file was routed to the following agencies for review:

- Binghamton Metropolitan Transportation Study (BMTS)
- Broome County Department of Public Works (DPW)
- Broome County Health Department (BCHD)

Enclosed are comments from BCHD that need to be addressed. DPW has no further comments. BMTS had no comments.



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Please submit a copy of your decision in this case within seven (7) days of taking action so it can be included in the case record.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank E.", followed by a long horizontal flourish.

Frank Evangelisti
Director

FE/lmz

cc: Mr. Kurt Schrader, Esq., Town of Binghamton Attorney, POPE, SCHRADER & POPE, LLP
Mr. Alan Pope, Esq., Town of Binghamton Attorney, POPE, SCHRADER & POPE, LLP
Ms. Vicki Conklin, Town Clerk, Town of Binghamton
BC file copy

Zier, Lora M.

From: Hebdon, Creig A.
Sent: Monday, December 18, 2017 11:26 AM
To: Zier, Lora M.
Subject: RE: 239-2017-157 Binghamton Town VHCC Updated Site Plan

We act has the agent for the NYSDOH so I think that will work. To clear it up the last line should read, "further, the Property owner shall secure therefor any and all necessary permits, reviews and approvals from the Broome County Department of Health and New York State Department of Environmental Conservation. "

Creig Hebdon P.E.
Senior Public Health Engineer
Broome County Health Department
Division of Environmental Health
225 Front St, Binghamton NY 13905

From: Zier, Lora M.
Sent: Monday, December 18, 2017 11:01 AM
To: Hebdon, Creig A. <CHebdon@co.broome.ny.us>
Cc: Brink, Ron <RBrink@co.broome.ny.us>
Subject: RE: 239-2017-157 Binghamton Town VHCC Updated Site Plan

Creig –

Do the Declaration of Restrictions specifically need to reference NYSDEC and NYS Health Department regulations per your comments of November 20, 2017?

The Third Declaration of Restrictions regarding drinking water well and septic system reference Broome Health Department but not NYSDEC and/or NYSHD.

Lora Zier

From: Hebdon, Creig A.
Sent: Tuesday, December 12, 2017 2:57 PM
To: Zier, Lora M. <LZier@co.broome.ny.us>
Subject: RE: 239-2017-157 Binghamton Town VHCC Updated Site Plan

I have no further comments at this time.

Creig Hebdon P.E.
Senior Public Health Engineer
Broome County Health Department
Division of Environmental Health
225 Front St, Binghamton NY 13905

From: Zier, Lora M.
Sent: Tuesday, December 12, 2017 2:40 PM



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County of Broome Government Offices

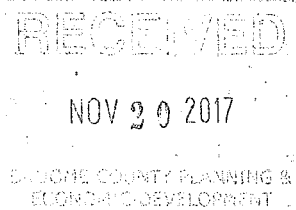
Broome County Health Department • Environmental Health

Jason T. Garnar, County Executive • Rebecca A. Kaufman, MS, Director of Public Health
225 Front Street, Binghamton, NY 13905

Phone: (607)778-2887 • Fax (607) 778-3912 • www.gobroomecounty.com

November 20, 2017

Mark Parker, P.E.
Keystone Associates
58 Exchange Street
Binghamton, NY 13901



RE: Vestal Hills Country Club Project

Dear Mr. Parker:

I have reviewed the submitted material in the Vestal Hill Country Club Project for probable impacts of twenty new four-bedroom homes in the proposed area. Because the parcels are all over five acres, the Broome County Health Department has no formal review or approval required.

I have reviewed the water testing records for the Vestal Country Club and have found no record of any contaminants in the water. Given the size of the lots and density of the wells, there should be no adverse impacts to the underlying aquifer. The proposed residential onsite wastewater treatment systems should also not have an impact on the area. Each parcel will need to have a professional engineer design the new wastewater treatment system and be individually approved by the Broome County Health Department before a new home is given a certificate of occupancy (CO).

The Broome County Health Department also recommends that the following statements are added to the subdivision plat:

- 1) All wells are to be drilled in accordance with NYSDEC and NYS Health Department regulations.
- 2) All residential onsite wastewater treatment systems will be built in to meet all NYS Health Department regulations and the Broome County Sanitary Code.

Sincerely,

Craig Hebdon, P.E.
Senior Public Health Engineer

Zier, Lora M.

From: Hebdon, Creig A.
Sent: Tuesday, November 28, 2017 8:29 AM
To: Zier, Lora M.; Brink, Ron
Subject: RE: 239-2017-157 Binghamton Town RZ SP VHCC 3115 Webb Road

The swimming pool is regulated thru the Health Department. Depending on the condition of the pool, any upgrades or modifications would need to be submitted. The pool would also need to get a permit to operate. The water and sewer will need to be evaluated base on the new flows vs old flows. Modifications may be necessary and would need to happen before the church started to operate. This would be done by a private Professional Engineer and submitted to Health Department for review and approval.

Creig Hebdon P.E.
Senior Public Health Engineer
Broome County Health Department
Division of Environmental Health
225 Front St, Binghamton NY 13905

From: Zier, Lora M.
Sent: Monday, November 27, 2017 1:41 PM
To: Brink, Ron <RBrink@co.broome.ny.us>; Hebdon, Creig A. <CHebdon@co.broome.ny.us>
Subject: 239-2017-157 Binghamton Town RZ SP VHCC 3115 Webb Road

Ron or Creig –

Does the Broome County Health Department regulate swimming pools and does BCHD have comments on the existing swimming pool which the church will use?

Am I correct that the church will use the existing septic system and water well system that the VHCC used?

Does BCHD need to review and comment on the existing septic system and water well system that the church will use?

Thanks,

Lora M. Zier
Senior Planner
Broome County Department of Planning and Economic Development
Edwin L. Crawford County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902
Telephone: (607) 778-2114
Fax (607) 778-2175
lzier@co.broome.ny.us

Zier, Lora M.

From: Brink, Ron
Sent: Thursday, November 02, 2017 4:18 PM
To: Zier, Lora M.
Subject: RE: 239-2017-157 Binghamton (T) SP SR RZ SF RES Church SF Lots Former VHCC 3115 Webb

Hi Lora –

As you know, new houses in unsewered areas must obtain permits from the Health Department for installing a septic system. The Health Department does not regulate private water wells. Creig Hebdon can be contacted at 778-2863 if the Town would like input on the potential effects (if any) of this project on the local aquifer.

Ron Brink
Broome County Health Department
607-778-2806

From: Zier, Lora M.
Sent: Thursday, November 02, 2017 2:41 PM
To: McCullen, Leigh A. <LMcCullen2@co.broome.ny.us>; Yonkoski, Jennifer L. <JYonkoski@co.broome.ny.us>; Gowe, Brenda L. <BGowe@co.broome.ny.us>; Boulton, Leslie G. <LBoulton@co.broome.ny.us>; Brink, Ron <RBrink@co.broome.ny.us>
Subject: 239-2017-157 Binghamton (T) SP SR RZ SF RES Church SF Lots Former VHCC 3115 Webb

Good Afternoon:

Please see the four attachments for 3115 Webb Road. I attached the Town Board and Planning Board minutes for your information. You can find the original minutes posted on the Town of Binghamton website.

This 239 Review looks incomplete. Please see attached my e-mail requesting the complete drawing set and SWPPP and readable sketch plan.

What documents do you need to complete your review and comments? Please send me your request at your earliest convenience.

Please send preliminary comments or final comments before the meeting on November 21, 2017, if possible, which I realize will depend upon your review and the documents you need.

Thanks,

Lora M. Zier
Senior Planner
Broome County Department of Planning and Economic Development
Edwin L. Crawford County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, New York 13902
Telephone: (607) 778-2114
Fax (607) 778-2175